

# **EXHIBIT C**

1 UNITED STATES DISTRICT COURT FOR THE  
2 SOUTHERN DISTRICT OF NEW YORK

3  
4 CITGO PETROLEUM CORPORATION )  
 ) No. 1:21-cv-389-GHW  
5 Plaintiff, )  
 )  
6 - against- )  
 )  
7 ASCOT UNDERWRITING LIMITED )  
 (FOR AND ON BEHALF OF LLOYD'S )  
8 SYNDICATE 1414), et al., )  
 )  
9 Defendant(s) )

10  
11 CONFIDENTIAL pursuant to stipulated confidentiality  
12 agreement and protective order

13  
14 Videotaped Deposition of:  
15 COREY HERRITT,  
16 taken on behalf of the Plaintiffs  
17 September 23, 2021, at 9:00 a.m. Eastern Standard Time

18  
19 REPORTED BY:

20 Angela Gunn, CSR

21 Worldwide Litigation Services

22 -----

23 Chicago (312) 528-9111 + Minneapolis (612)

24 594-7660 + Las Vegas (702) 799-921

25 Job 48614



1 Video Deposition of COREY HERRITT, called by the  
2 Plaintiff herein, held before a stenographic court  
3 reporter conducted by video conference, on Monday,  
4 the 23rd day of September, 2021, at 9:00 a.m. EST.

5

6 A P P E A R A N C E S: (Via Videoconferencing)

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13 ALSO PRESENT: Carole Rouffet, Skuld North  
14 America.

15 Scott Breckheimer, Videographer and exhibit  
16 technician

17

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19

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1 board the Gerd?

2 **A. No, not to my knowledge.**

3 Q. Were any of the crew trained in  
4 the use of weapons to your knowledge?

5 **A. No, not provided by the company.**  
6 **If -- personally, I don't know.**

7 Q. You mentioned an on board  
8 security officer earlier. Would that security  
9 officer carry any weapons?

10 **A. No.**

11 Q. What were your first-aid  
12 capabilities aboard the Gerd?

13 **A. We have one person trained in**  
14 **marine medical duties, and we have equipped**  
15 **hospital with drugs and oxygen.**

16 Q. Did you have a doctor on board  
17 the ship?

18 **A. No.**

19 Q. Can you tell me specifically what  
20 dates you served as the master of the Gerd between  
21 December 2018 and February 2020?

22 **A. I can, but I gotta open my**  
23 **discharge book, if that's okay.**

24 Q. I'm fine with that.

25 **A. Okay, I joined the vessel on the**



1 the details of that first rotation upon the Gerd  
2 in a little more specificity if we could. You  
3 said that you boarded the ship on November 30,  
4 2018. Do you recall where the ship was when you  
5 boarded?

6 **A. Aruba.**

7 Q. And how did you board the ship?

8 **A. I don't recall. I'm not sure if**  
9 **it was by launch or at the terminal.**

10 Q. Do you recall what master you  
11 relieved at the beginning of that rotation?

12 **A. Captain Ollerhead.**

13 Q. And what were your voyage  
14 instructions for that rotation?

15 **A. I think we had -- I think we**  
16 **loaded two or three cargoes during that rotation**  
17 **out of Venezuela.**

18 Q. Were all of those cargoes for  
19 CITGO?

20 **A. Yes.**

21 Q. I apologize. I need to take  
22 another break right now. I just have somebody  
23 banging on our doors.

24 VIDEOGRAPHER: Going off the record.

25 The time is 10:31 a.m.



1 --- Whereupon recess commenced at 10:31 a.m. ---

2 --- Upon resuming at 10:34 a.m. ---

3 VIDEOGRAPHER: We are back on the  
4 record. The time is 10:34 a.m.

5 BY MR. MIKONI:

6 Q. When you boarded the Gerd in  
7 November of 2018, did you have any understanding  
8 of the political situation in Venezuela at that  
9 time?

10 A. In November of 2018?

11 Q. Yes.

12 A. Only what we gathered from the  
13 news and, you know, very, very limited knowledge  
14 really.

15 Q. What did you gather from the  
16 news?

17 A. That things were -- things were  
18 deteriorating there with regards to protests  
19 against the government.

20 Q. Did have any understanding of  
21 what the basis of those protests was?

22 A. No, not really.

23 Q. And did you learn anything  
24 further about political developments in Venezuela  
25 during that first rotation on the Gerd?



1 Q. The next entry on the time sheet  
2 is "loading." It spans the 20th of January to the  
3 22nd of January. Does that reflect the time it  
4 took for the cargo to be loaded onto the Gerd?

5 A. I don't recall, but if I signed,  
6 my signature is there, so I would say I double  
7 checked the times, so I would agree.

8 Q. You have no reason to believe  
9 that that's inaccurate; is that right?

10 A. No.

11 Q. Then the next entry is, "final  
12 inspection/calculations" dated the 22nd of  
13 January. Can you explain what that entry means?

14 A. That's after the cargo, after the  
15 loading is stopped, the inspector, the cargo  
16 inspector would conduct an inspection of the  
17 ship's cargo tanks, along with the -- with one of  
18 the officers, and that's when -- basically it's  
19 when the inspection -- that's the time span it  
20 took from 21:12 to 23:00 to gauge all of the cargo  
21 tanks.

22 Q. And after inspection was  
23 completed the cargo arms and hoses were  
24 disconnected; is that right?

25 A. Yes.





1 documented in this letter of protest?

2           **A.       I don't recall the actual, but**  
3           **just reading the text that I wrote there, it would**  
4           **be I noticed some damage to their dock which was**  
5           **causing some damage to our vessel during the**  
6           **loading operation.**

7           Q.       So this is memorialized in some  
8           damage to the vessel; is that right?

9           **A.       Yeah.**

10          Q.       Could you turn the page to the  
11          next letter of protest, Bates No. is 4552.

12          **A.       Yeah.**

13          Q.       Once again, for the formality of  
14          it, did you write this letter?

15          **A.       Yes, I did.**

16          Q.       And that's your signature on the  
17          bottom right, correct?

18          **A.       Correct.**

19          Q.       Can you explain the issue that  
20          you memorialized in this letter.

21          **A.       Basically it was delays**  
22          **experienced during loading operation.**

23          Q.       Do you recall what caused those  
24          delays?

25          **A.       No, I don't.**



1 Q. The text of the letter of protest  
2 says, "Terminal suspend loading, certifying shore  
3 tanks."

4 Can you explain what that means?

5 A. That's usually the case when they  
6 spot tanks, so they basically take an auto card  
7 with one tank and they have got to switch with  
8 another tank, and so they would have to go and  
9 ullage the next tank and make sure the quantities  
10 are exact before they start loading to the vessel.

11 Q. Well, in your recollection this  
12 delay was not because PDVSA wanted to cease  
13 transmitting the cargo or loading the cargo; is  
14 that correct?

15 A. No, no, this -- that's correct.  
16 This is -- that's normal procedure. It happens a  
17 lot at terminals.

18 Q. As part of the process of getting  
19 cargo from multiple tanks onshore and into the  
20 vessel?

21 A. That's correct.

22 Q. Are the issues that you discussed  
23 in these four letters of protest, any of them  
24 strike you as out of the usual in your experience?

25 A. No, not at all.



1 Q. Do you recall receiving any  
2 responses from PDVSA to these letters?

3 A. No.

4 Q. But PDVSA did sign and stamp to  
5 acknowledge receipt of each of these letters,  
6 correct?

7 A. Correct.

8 Q. During the period of time or  
9 during the loading process for this DCO cargo, do  
10 you recall any objections from PDVSA to loading  
11 the cargo on the Gerd?

12 A. No, I don't recall any  
13 objections.

14 Q. Do you recall any issues loading  
15 the cargo onto the Gerd other than those discussed  
16 in your letters of protest?

17 A. No, I don't recall any issues.

18 Q. Was it your understanding that  
19 CITGO was the owner of the cargo once it was  
20 aboard the Gerd?

21 A. Yes, that is correct.

22 Q. Could you please turn to the next  
23 page of Exhibit 5, Bates No. 4553, and the caption  
24 is, "Free Water After Loading." Can you explain  
25 what this document is.



1 ordinary in the loading data for this loading  
2 process?

3 **A. Not that I can recall.**

4 Q. Do you recall any specific  
5 details regarding the loading the approximately  
6 940,000 barrels of DCO onto the Gerd on or about  
7 January 22, 2019, that we haven't already  
8 discussed in the process of looking through these  
9 documents or discussing the loading process?

10 **A. No, nothing comes to mind, no.**

11 Q. Do you recall any issues outside  
12 of the routine in connection with the loading of  
13 this cargo?

14 **A. I don't, no.**

15 Q. Do you recall any -- receiving  
16 any opposition from PDVSA during the process of  
17 loading this cargo?

18 **A. No, I don't.**

19 Q. After the DCO cargo was loaded,  
20 what did you do next?

21 **A. Usually then -- well, once the**  
22 **bill of lading is signed and on board, we have to**  
23 **wait for a pilot to come on board to take us from**  
24 **the dock, and then we normally wait for the divers**  
25 **to come and do their diving inspection, and**



1           present us with -- the agent will then present us  
2           with the outward clearance from the harbourmaster.

3                   Q.       Where was the Gerd headed after  
4           receiving the CITGO cargo?

5                   A.       We had a change in voyage orders  
6           to proceed back to Güiria to load 22,000 barrels  
7           of Pedernales.

8                   Q.       Did the Gerd receive departure  
9           clearances after the DCO cargo was loaded?

10                  A.       Yes, we did.

11                  Q.       Did those -- were those departure  
12           clearances to approve it to return to Güiria to  
13           pick up the Pedernales cargo?

14                  A.       That's correct.

15                  Q.       That clearance did not permit the  
16           Gerd to return to Aruba, correct?

17                  A.       Correct.

18                  Q.       Let's take a short break here.

19                   VIDEOGRAPHER:   Going off the record the  
20           time is 12:03 p.m.

21           --- Whereupon recess commenced at 12:03 p.m. ---

22           --- Upon resuming at 12:23 p.m. ---

23                   VIDEOGRAPHER:   We are back on the  
24           record.   The time is 12:23 p.m.

25



1           were attaching a bill of lading produced by CITGO  
2           for Pedernales cargo; is that right?

3                   **A.           That's correct.**

4                   Q.           You said earlier that you hadn't  
5           received a Pedernales bill of lading. What is the  
6           bill of lading you are discussing in this email?

7                   **A.           This email there is a bill of**  
8           **lading that CITGO would have produced. It's the**  
9           **bill of lading normally came through the agent**  
10          **directly.**

11                  Q.           So in this circumstance, CITGO  
12          producing its own bill of lading was unusual in  
13          your experience?

14                  **A.           Yes, it was.**

15                  Q.           In this email you again requested  
16          outward clearance, correct?

17                  **A.           Correct.**

18                  Q.           Was that request granted?

19                  **A.           No, it wasn't.**

20                  Q.           What did Navieramar say in  
21          response to your request?

22                  **A.           Basically they -- he's telling me**  
23          **that the harbourmaster's office will not proceed**  
24          **with the authorization from -- without**  
25          **authorization from PDVSA main office, and that**



1 Q. At that time had clearances,  
2 outward clearances for the Gerd had been secured?

3 A. No, they weren't.

4 Q. Do you know whether any progress  
5 was made for its securing those clearances during  
6 the span of your March to April rotation as master  
7 of the Gerd?

8 A. No, I didn't see any progress at  
9 all.

10 Q. Who relieved you as master of the  
11 Gerd in April of 2019?

12 A. To be honest, I don't recall.  
13 I'm thinking Captain Ollerhead, but I don't recall  
14 exactly. I would be lying if I said it was  
15 Captain Ollerhead.

16 Q. I definitely don't want you to  
17 lie. Please only answer things you actually  
18 recall.

19 A. Yeah.

20 Q. Do you recall having any  
21 conversations with your replacement master  
22 regarding the state of the cargo on board the  
23 Gerd?

24 A. Yeah, well, I don't recall like  
25 from memory, but I know that we would do normal



1           handover procedure same again, handover voyage  
2           orders, having discussion regarding outward  
3           clearance, and then do the normal handover of the  
4           vessel. That's standard procedure.

5                   Q.           And what is the normal handover  
6           of the vessel?

7                   A.           Discuss any issues on board, any  
8           equipment status, crew status for crew changes,  
9           cargo, anything to do with the cargo. We would  
10          have discussed emails that were sent back and  
11          forth with the agent and CITGO looking for the  
12          clearances. The vessel's bunker situation, fresh  
13          water situation. Basically all of the -- anything  
14          that he could expect in the next week or two that  
15          could land on his plate really.

16                  Q.           At this point the Gerd had been  
17          seeking clearances for approximately three months,  
18          right?

19                  A.           Correct.

20                  Q.           And in connection with any other  
21          voyage, have you ever experienced a delay of three  
22          months in receiving outward clearances?

23                  A.           No, never.

24                  Q.           Have you heard of any other ship  
25          experiencing such delays?

